

## Session 114 - (2001-2002)

### H 4703 General Bill, By Cobb-Hunter and Stuart

**Summary:** Omnibus Domestic Violence Prevention and Protection Act

A BILL TO ENACT THE OMNIBUS DOMESTIC VIOLENCE PREVENTION AND PROTECTION ACT BY AMENDING TITLE 1, CHAPTER 1, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMINISTRATION OF GOVERNMENT BY ADDING ARTICLE 21, SO AS TO REQUIRE ALL STATE AGENCIES TO DEVELOP A WORKPLACE DOMESTIC VIOLENCE POLICY; TO ADD SECTION 59-1-475 SO AS TO REQUIRE ALL SCHOOL DISTRICTS TO PROVIDE CONTINUING EDUCATION TO TEACHERS AND STAFF CONCERNING DOMESTIC AND FAMILY VIOLENCE; TO AMEND SECTION 59-20-40, AS AMENDED, RELATING TO THE FORMULA FOR DETERMINING ANNUAL ALLOCATIONS TO EACH SCHOOL DISTRICT AND WEIGHTINGS USED TO PROVIDE FOR RELATIVE COST DIFFERENCES BETWEEN PROGRAMS, SO AS TO INCLUDE PUPILS WHO RESIDE IN EMERGENCY SHELTERS IN WEIGHTINGS FOR THE HOMEBOUND PROGRAM; TO AMEND SECTION 59-63-31, AS AMENDED, RELATING TO AUTHORIZING STUDENTS TO ATTEND SCHOOL IN A CERTAIN SCHOOL DISTRICT WITHOUT CHARGE, SO AS TO ALLOW A CHILD WHO RESIDES IN AN EMERGENCY SHELTER TO ATTEND A SCHOOL IN THE DISTRICT WHERE THE SHELTER IS LOCATED; TO AMEND SECTIONS 16-25-30, 16-25-40, 16-25-50, AND 16-25-60, ALL AS AMENDED, ALL RELATING TO PROCEDURES AND PENALTIES FOR CRIMINAL DOMESTIC VIOLENCE, SO AS TO DELETE FINES AS A PENALTY FOR THESE OFFENSES AND TO AUTHORIZE SUSPENSION OF THE SENTENCE IMPOSED, EXCEPT MANDATORY MINIMUM SENTENCES WHERE APPLICABLE, UPON THE OFFENDER SATISFACTORILY COMPLETING AN APPROVED TREATMENT PROGRAM FOR BATTERERS; TO AMEND SECTION 16-25-65, RELATING TO THE STATUTORY OFFENSE OF CRIMINAL DOMESTIC VIOLENCE OF A HIGH AND AGGRAVATED NATURE, SO AS TO CLARIFY THE ELEMENTS OF THAT OFFENSE AND TO CREATE THE OFFENSE OF CRIMINAL DOMESTIC VIOLENCE IN THE PRESENCE OF A MINOR AND TO PROVIDE PENALTIES; TO AMEND SECTION 17-22-50, AS AMENDED, RELATING TO PERSONS NOT TO BE CONSIDERED FOR A PRETRIAL INTERVENTION PROGRAM, SO AS TO PROVIDE THAT PERSONS CHARGED WITH CRIMINAL DOMESTIC VIOLENCE OFFENSES UNDER TITLE 16, CHAPTER 25 MAY NOT BE CONSIDERED FOR THIS PROGRAM; TO AMEND SECTION 22-5-510, AS AMENDED, RELATING TO BOND HEARINGS AND THE RELEASE OF DEFENDANTS, SO AS TO REQUIRE A MAGISTRATE TO HOLD A DEFENDANT IN A CASE INVOLVING CRIMINAL DOMESTIC VIOLENCE FORTY-EIGHT HOURS AFTER ARREST, UPON GOOD CAUSE SHOWN AT THE BOND HEARING; TO ADD SECTION 16-25-95 SO AS TO MAKE IT A FELONY FOR A PERSON WHO HAS BEEN CONVICTED OF CRIMINAL DOMESTIC VIOLENCE TO POSSESS A FIREARM AND TO PROVIDE PENALTIES; TO AMEND SECTION 16-3-1750, RELATING TO OBTAINING A RESTRAINING ORDER AGAINST A PERSON ENGAGED IN HARASSMENT OR STALKING, SO AS TO WAIVE THE COURT FILING FEE WHEN A PERSON IS SEEKING SUCH A RESTRAINING ORDER; TO ADD SECTION 20-4-63 SO AS TO WAIVE THE COURT FILING FEE WHEN A PERSON IS SEEKING AN ORDER FOR PROTECTION FROM DOMESTIC ABUSE; TO ADD SECTION 20-7-3080 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROMULGATE REGULATIONS REQUIRING CHILD DAYCARE OWNERS AND OPERATORS TO PROVIDE STAFF TRAINING ON DOMESTIC VIOLENCE; TO ADD SECTION 43-1-250 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES, OFFICE OF DOMESTIC VIOLENCE PROGRAMS AND POLICY TO DEVELOP A COMPREHENSIVE DOMESTIC VIOLENCE PUBLIC AWARENESS AND MEDIA EDUCATION CAMPAIGN; AND TO ADD SECTION 43-1-260 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO FACILITATE THE DEVELOPMENT OF COMMUNITY DOMESTIC VIOLENCE COORDINATING COUNCILS IN EACH COUNTY OR MULTI-COUNTY AREA BASED UPON PUBLIC-PRIVATE SECTOR COLLABORATION AND TO PROVIDE FOR THE PURPOSE, DUTIES, AND MEMBERSHIP OF THE COUNCILS.

**02/12/02 House Introduced and read first time HJ-3**

**02/12/02 House Referred to Committee on Medical, Military, Public and Municipal Affairs HJ-4**